

### **REMARKS**

Applicants have carefully reviewed the Office Action mailed on May 10, 2007. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. Claims 4 and 15 remain pending.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 4 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Vigil et al. in U.S. Patent No. 5,320,634 in view of Parodi in U.S. Patent No. 5,250,070. MPEP §2143 states that in order to establish a *prima facie* case of obviousness, all the claim limitations must be taught or suggested. Claim 4 recites that the one or more cutting members each include a traction region that is configured to improve traction between the balloon and a target site, that the traction region is defined by a series of undulations **in the cutting members**. Claim 15 similarly recites a cutting blade affixed to the balloon, that the cutting blade includes means for cutting and means for gripping thereon, and that the means for cutting and means for gripping are defined by a series of undulations **on the cutting blade**.

The Examiner indicated that Vigil et al. fail to teach or suggest “a traction region/cutting blade defined by a series of undulations curving from side to side relative to the longitudinal axis.” However, the Examiner further indicated that “Parodi teaches that it is known to have the traction region/cutting blade defined by a series of undulations curving from side to side relative to the longitudinal axis (Fig 6c, summary, col 3, lns 2-col 4, lns 11) for the purpose of providing a nonskidding balloon surface that minimizes trauma to the whole endothelium (Summary, col 4, lns 3-11).” We believe that the Examiner has mischaracterized the art.

Parodi discloses a balloon 1 with exterior surface irregularities. Column 2, lines 26-32. For example, the balloon 1 may include a plurality of ribs 7 emerging from the wall 6 of the

balloon 1. Column 3, lines 19-21. The surface irregularities disclosed by Parodi (e.g., ribs 7) reduce the amount of surface contact between the balloon 1 and the endothelium in order to reduce damage caused by the balloon 1. Column 3, lines 26-32. Even if the exterior surface irregularities of the Parodi balloon 1 are applied to the Vigil et al. balloon 13, the resultant combination would still fail to teach or suggest the claimed cutting members/cutting blade. For this reason, Applicants respectfully submit that cited art fails to teach or suggest all the claim limitations.

Furthermore, Parodi does not make any reference to a cutting member or cutting blade whatsoever, let alone that the exterior surface irregularities of the balloon 1 may be utilized in a cutting member or cutting blade. Therefore, even though Figures 6a-6c appear to show alternative forms of the balloon exterior surface irregularities including an exterior feature that curves from side to side, nothing in Parodi suggests that such features could be applied to a cutting member/blade. Instead, Parodi only teaches that these features may be incorporated into the exterior surface of a balloon. Therefore, not only does the combination of Vigil et al. and Parodi fail to teach all the claim limitations, nothing in the cited art provides any motivation for applying the exterior surface irregularities of the Parodi balloon 1 to the Vigil et al. atherotomes 28.

Based on the forgoing, Applicants respectfully submit that a *prima facie* case of obviousness has not been properly established for claims 4 and 15. Consequently, this rejection is improper and should be withdrawn in due course.

Claims 4 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lary in U.S. Patent No. 6,306,151 in view of Parodi. Claims 4 and 15 recite cutting member having a traction region as described above. The Examiner indicated that "Lary fails to expressly disclose

wherein the cutting member/blade has a traction region/cutting blade defined by a series of undulations curving from side to side relative to the longitudinal axis.” For the reasons set forth above, Parodi fails to overcome this deficiency. Consequently, Applicants respectfully submit that the combination of Lary and Parodi fails to teach or suggest all the limitations of claims 4 and 15. Therefore, the rejection of these claims is improper and should be withdrawn in due course.

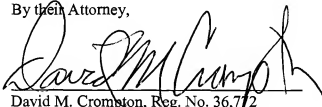
### **Conclusion**

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,



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